

**REMARKS**

Claims 1-29 are pending in this application. Claims 1, 10, 18, 19, and 29 have been amended.

In the Office Action, at page 2, the Examiner points out that a listing of references in a Search Report is not considered an Information Disclosure Statement (IDS), and states the references cited in the Search Report previously submitted by Applicant have not been considered. However, all the references cited in the submitted Search Report were also properly listed in IDS's submitted prior to submission of the Search Report. All those references have been indicated by the Examiner as having been considered. Therefore, the remarks on page 2 of the Office Action are moot, and should be withdrawn.

Claims 1-28 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite because the recitation of an opening that is "canted" or "angled" in the claims is unclear. Independent claims 1, 18, and 19 have been amended to recite that the *port corpus inlet* is canted inwardly along the axis of the port corpus, rather than the "port corpus inlet opening." Dependent claim 10 has been amended to conform to its amended base claim 1. These amendments are supported, for example, at page 11, lines 7-9 and Figs. 1-2 of the present application, which show and describe the port corpus inlet as reference numeral 111. Independent claim 29 has been amended in a similar manner, to recite that the port corpus has an *angled proximal end* instead of an angled opening. The claims, as amended, are clear because the inlet (or proximal end) of the port corpus is not a space, but rather is a wall having a particular shape. Thus, the claims as amended meet the requirements of §112, second paragraph, and so the rejection under §112 should be withdrawn.

Applicant notes that independent claim 28 does not contain a recitation of an “opening,” so this rejection as it pertains to claim 28 is moot, and should be withdrawn.

Claims 1-29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 4,430,081 (Timmermans). Claims 1-2, 16, 18, 20-22 and 28-29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 3,910,283 (Leveen). Claims 1-2, 16, 18, 20-22 and 28-29 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,263,930 (Ensminger). These rejections are respectfully traversed. Applicant hereby requests reconsideration and allowance of the claims in view of the following arguments.

Regarding the anticipation rejections of claims 1-27 and 29 based on Timmermans, Leveen, and Ensinger, none of these references discloses the recited port corpus inlet (or proximal end) that is canted inwardly along the axis of the port corpus, as required by amended independent claims 1, 18, 19, and 29. To the contrary, Timmermans and Leveen teach that the inlets of their devices are normal to the axis of the device, and Ensinger teaches that its inlet (near septum 56) extends in the same direction as the axis of its device. Thus, none of the cited references teaches or even suggests the claimed inlet canted or angled with respect to the axis of their device, as claimed.

Further regarding Leveen, this reference does not disclose or suggest a septum, required by claims 1-27 and 29. Rather, it discloses a diaphragm 5 which acts as a one-way valve. A diaphragm is not a septum, as that term is defined in the present application (see, e.g., page 10, line 22 et seq. of the present application).

Regarding the Examiner’s contention that the method of assembling the devices of the cited references inherently meets the limitations of method claims 18 and 19, none of Timmermans, Leveen and Ensinger discloses the recited step of selecting a port corpus having a

canted inlet, as required by claims 18 and 19. Therefore, the Examiner's inherency argument is baseless.

None of the three cited references anticipates amended independent claims 1, 18, 19 and 29, because they do not disclose each and every element of those claims. Furthermore, it would not have been obvious to modify the device of Timmermans, Leveen, or Ensinger to yield the inventions of claims 1, 18, 19 and 29.

Consequently, claims 1, 18, 19 and 29 are patentable, as are claims 2-17 and 20-27, which depend from claims 1, 18, and 19, respectively.

Regarding the anticipation rejections of independent claim 28, none of Timmermans, Leveen or Ensinger anticipates this claim, because none of them discloses or suggests any of the steps of implanting a port into a rodent required by this claim, and it would not have been obvious to perform these steps in view of any of the cited references.

Consequently, claim 28 is patentable.

Accordingly, it is believed that the application is now in condition for allowance. Applicant therefore respectfully requests an early and favorable reconsideration and allowance of this application. If there are any outstanding issues which might be resolved by an interview or an Examiner's amendment, the Examiner is invited to call Applicant's representative at the telephone number shown below.

**Application No.: 10/798,450**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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